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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wings Communications, Inc.	)	File No. EB-11-TP-0134
Licensee of Broadcast Station WELE	)	NOV No. V20123270001
Ormond Beach, Florida	)	Facility ID 72937

**NOTICE OF VIOLATION**

**Released: February 13, 2012**

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Wings Communications, Inc., licensee of AM Station WELE, Ormond Beach, Florida.
2. On December 15, 2011, agents of the Enforcement Bureau's Tampa Office (Tampa Office) inspected Station WELE located in Ormond Beach, Florida, and observed the following violations:
  - a. 47 C.F.R. § 11.52(d): "EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan ..." At the time of the inspection, Station WELE was monitoring two LP2 sources, rather than the LP1 and LP2 stations assigned in the Florida State EAS Plan.
  - b. 47 C.F.R. § 73.1590(a)(6): "The licensee of each AM, FM, TV and Class A TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows: Annually, for AM stations, with not more than 14 months between measurements." At the time of the inspection on December 15, 2011, the last Equipment Performance Measurements for the station were performed on October 9, 2009.
  - c. 47 C. F. R. § 73.1840(a): "Any log required to be kept by station licensees shall be retained by them for a period of 2 years." At the time of the inspection on December 15, 2011, the logs for the year 2010 were not available.
  - d. 47 C. F. R. § 73.1870(c)(3): "The chief operator is responsible for completion of the following duties specified in this paragraph below. When these duties are delegated to other persons, the chief operator shall maintain

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<sup>1</sup> 47 C.F.R. § 1.89.

supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner.”... “(3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of the inspection on December 15, 2011, the Chief Operator was not signing the station logs.

- e. 47 C. F. R. § 73.3526(e)12:..“*Radio issues/programs lists.* For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October—December, April 10 for the quarter January—March, etc.).” At the time of the inspection on December 15, 2011, several of the Issues Programs listings were not available in the station’s public inspection file.
- 3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission’s rules, we seek additional information concerning the violation(s) and any remedial actions the station may have taken. Therefore, Wings Communications, Inc. must submit a written statement concerning this matter within twenty (20) calendar days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>3</sup>
- 4. In accordance with Section 1.16 of the Commission’s rules, we direct Wings Communications, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Wings Communications, Inc. with personal knowledge of the representations provided in Wings Communications, Inc. response, verifying the truth and accuracy of the information therein,<sup>4</sup> and confirming that all of the information

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<sup>2</sup>47 U.S.C. § 403.

<sup>3</sup>47 C.F.R. § 1.89(c).

<sup>4</sup>Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

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requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>5</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Tampa Field Office  
4010 W. Boy Scout Blvd., Suite 425  
Tampa, FL 33607-5744

6. This Notice shall be sent to Wings Communications, Inc. at its address of record.
7. The Privacy Act of 1974<sup>6</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
District Director  
Tampa District Office  
South Central Region  
Enforcement Bureau

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<sup>5</sup>18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>6</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).